UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,407	09/29/2000	Jason R. English	020431.0737	9678

7590   03/15/2005

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EXAMINER
MORGAN, ROBERT W

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***		09/675,407	ENGLISH, JASON R.
		Examiner	Art Unit	
		Robert W. Morgan	3626	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>19 January 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appea has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

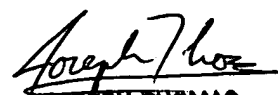   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Attachment.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

JOSEPH THOMAS
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Advisory Action

In the remarks, Applicants argue in substance that, (1) Nothing in Rhodes teaches or suggests a scheduling engine operable to "attempt to determine a location for the item within a schedule according to the time information"; (2) Miller do not disclose, teach, or suggest "the scheduling engine operable to determine an activity category for the item… and determine whether the activity category for item belongs to at least one of the activity categories of schedule criteria to satisfy the schedule criteria"; (3) The 'fax' tag or the 'print' tag in Fig. 4 of Miller does not disclose the alt tag of claim 10; and (4) Mankoff does not disclose, teach, or suggest generating "a link to an image associated with the item".

In response to Applicants argument that, (1) Nothing in Rhodes teaches or suggests a scheduling engine operable to "attempt to determine a location for the item within a schedule according to the time information". The Examiner respectfully submits that the Miller and Zhang references, and not Rhodes, *per se*, that was relied upon for the specific teaching application-driven scheduling systems and software (reads on "scheduling engine") with means to receive at least one schedule item and associated time information from at least one application and a rendering engine operable to render the schedule for display to at least one user or a plurality of users (Col. 2, Ln. 10, 58-67, Col. 3, Ln. 15, 20-61 and Figures 4-6). Rhodes was relied on for primarily teaching of a computer-based equipment scheduling system using activity data and zone data (see: column 3, lines 3-25). Rhodes further teaches that the system <u>determines whether or not there is a conflict</u> in the zone mode operation with another zone (reads on "determining the location for the item within a schedule according to the time information") schedule at step 128 (see: column 9, lines 32-34). If the system determines that there is a conflict, the zone mode

schedules are prioritized according to a priorities set and if there is no conflict, the building

resources are controlled by the building level network node (18, Fig. 1) directly according to the

zone data (38a, Fig. 1) at step 106 (see: column 8, lines 41-50). Thus, the proper combination of

the applied references would be the incorporation of Miller and Zhang's system including

scheduling software and a rendering engine to display schedule items to the user with the

comparison of time information to determine whether or not to refrain or attempt to schedule an

item within a schedule as well as schedule a time slot having a duration equal to the duration for

the item as taught by Rhodes.

In response to Applicants argument that, (2) Miller do not disclose, teach, or suggest "the

scheduling engine operable to determine an activity category for the item... and determine

whether the activity category for item belongs to at least one of the activity categories of

schedule criteria to satisfy the schedule criteria". The Examiner respectfully submits the Miller

reference teaches that plurality of items in the user to-do list (52, Fig. 4) such as "Write summary

report" (88, Fig. 1), call Dave Miller (Fig. 5), Look for article (Fig. 5) which are place on the

event list according highest priority (see: column 3, lines 52-61). This suggests that the items are

entered into the event list as their own individual activity category and the determination of

whether the activity category for item belongs to at least one of the activity categories of

schedule criteria to satisfy the schedule criteria is determined according to assigned priority of

each item by the user.

In response to Applicants argument that, (3) The 'fax' tag or the 'print' tag in Fig. 4 of

Miller does not disclose the alt tag of claim 10. The Examiner respectfully submits that the

Applicant has pointed to the specification page 10, line 29 through page 11, line 3, to impart a

specific meaning to claim language, namely "alt tag". However, the Examiner respectfully notes

that the cited passage relied upon by Applicant is replete with non-committal terms, in particular

"...an HTML alt tag or <u>another appropriate statically</u> or dynamic driven element 40 <u>may be</u>

displayed over, instead of, or in associated with the selected item 34". It is respectfully submitted

that such language appears to describe an invention in terms of what the invention may (or may

not) be, rather that what it actually <u>IS</u>. In particular, claim 10 do not require an HTML alt tag,

thus, Applicant's relied upon passage fails to positively and definitely require the specific

meaning, which Applicant now argues. In addition, the Miller reference in Figs. 4-6, teaches a

full calendar including a letter a form of statically driven ("alt tag") for each month and when

selected the days for that particular month are displayed as described by Applicant's

specification.

In response to Applicants argument that, (3) Mankoff does not disclose, teach, or suggest

generating "a link to an image associated with the item". The Examiner respectfully submits the

reference of Miller and Zhang are relied for teaching the rendering engine operable to render the

schedule for display to at least one user or a plurality of users (see: Miller: Col. 2, Ln. 10 – Col.

3, Ln. 15; Col. 3, Ln. 49-61 and Figures 4-6). Mankoff is relied on for teaching a user selecting a

given link in a Web page and an electronic or "virtual" coupon is displayed on a client machine

where <u>the link is an image link displayed on the Web page</u> (see: abstract).

Applicant's other arguments merely rehash issues addressed in the Final Rejection mailed

11/19/04, and incorporated herein. Thus, the finality of the previous Office Action is maintained.